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Leader, R. E.

The press and the Corrupt practices bill

Sheffield

1883

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The Press

AND

The Corrupt Practices Bill.

By R. E. LEADER, B.A.,

PRESIDENT OF THE PROVINCIAL NEWSPAPER SOCIETY.

SHEFFIELD:
LEADER AND SONS, INDEPENDENT OFFICE, BANK STREET.
1883.

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Dec. 1, 1915. MS
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THE PRESS
AND
THE CORRUPT PRACTICES BILL.

An earnest attempt to enact a stringent law for the suppression of Corrupt Practices at Elections, is one of the most urgent duties awaiting Parliamentary attention. The first work of the House of Commons, now that it has reformed its methods of procedure, will be to go further back, and to reform the methods of its birth—the conditions under which every succeeding House of Commons shall be brought into existence. By the extension of the County Franchise it will have to widen the basis of representation whereon it rests, and by the prevention of corrupt practices it must make that basis sound and honest. The latter, because a corrupt tree cannot bring forth good fruit, is one of the most pressing problems of practical politics. To devise the best plan whereby our electoral system may be purged of the sins of bribery and illicit practices is a duty in which honest men of all parties should unite, and the obvious purpose of the legislator must be to discourage these offences by penalties so severe that, not only will no one dare to commit the grosser forms of giving or taking bribes, but that it will be no longer worth the while of a principal, for the sake of a seat in Parliament, or of an agent for the sake of securing a pecuniary reward or a political victory, to run the risks attendant upon the more subtle devices which are employed to sap the virtue of constituencies. The Corrupt Practices Bill of the Attorney-General, which has for two sessions been before Parliament, severe as it is, assuredly does not err by excess of severity, if corruption is to be really banished from

the category of venial offences. That the bill has faults, it is one of the purposes of this paper to show, but they are faults of another kind. It is not as an engine prepared for the destruction of electoral malpractices that I propose to consider the measure, but I wish to examine it in its secondary and somewhat anomalous character of an instrument for curtailing the expenses at present incident to a contest for senatorial honours. By aiming at objects which seem to lie outside its natural range, by imposing restrictions which, instead of helping to suppress electoral impurity, threaten to harrass and impede what is the most effectual antidote against that impurity—complications and embarrassments arise of a most serious and harmful kind. In a word, economy is sought at the cost of essential efficiency.

The title of the measure is "A bill for the better prevention of corrupt and illegal practices at Parliamentary Elections," but, as drawn, it is much more than that. It is a bill also for preventing a Parliamentary candidate from spending upon his election more than a fixed sum of money, and for defining the proportions in which that money may be distributed among certain objects scheduled as permissible. Now, a curtailment of the outrageous election expenses that have hitherto been incurred is, undoubtedly, a most desirable reform, but it is not so desirable as to justify its purchase by the sacrifice of what is far more valuable—a surrender of what is at the very core of popular institutions, the freedom of discussion and fullness of information which can alone vitalise a system of government by representatives. In his well-meant effort to restrict, within arbitrary bounds, the cost of winning a seat in Parliament, Sir Henry James has unfortunately placed his finger with the utmost severity on the very item which is least appropriate for pressure. He includes in one common condemnation with practices that are degrading, demoralising, and vicious, an expenditure that is innocent, legitimate, and politically valuable. And further, whatever may be said as to the adequacy or inadequacy of the Attorney-General's gross maximum scale—and a great deal may be said of this as applied to counties—I shall hope to show that its sub-divisions are illogical in conception and harmful in practice; that they

press where there ought to be no pressure, and restrict where there ought to be perfect freedom.

To other pens must be left the task of comparing the machinery authorised by such parts of this bill as lie outside its second schedule, with the actual requirements of a contested election. Whether it be possible to conduct a parliamentary fight in a large urban constituency, and still more in a county, with but one authorised agent, with one forlorn clerk and one harrassed messenger for each polling district, are questions outside the scope of this paper. I am concerned, for the moment, solely with the second schedule, and especially with that part of the second schedule which comprises the following—

MAXIMUM SCALE. (TABLE I.)

"The above-mentioned expenses shall not exceed in the whole the scale following:—

1 —	2 For the expenses of Printing, Advertising, Stationery, Postage, and Telegrams.	3 For all other expenses except personal expenses and returning officer's charges.
If the number of electors on the register Does not exceed 2000	£ 100	£ 250
Exceeds 2000	£ 110, and an additional £10 for every 1000 electors above 2000.	£ 270 and an additional £20 for every 1000 electors above 2000."

It is to the column numbered 2 that I wish chiefly to direct attention. The items which it stigmatises represent the most legitimate of all electoral effort; it is these which make an election a direct and distinct political educator; and it is upon these that Sir Henry James ventures to lay the same hands that have rolled away the demoralising beer-barrel and cut down the flaunting flag-pole. I submit with some strength of conviction, *1st*. that it is an act of impropriety to schedule, in a bill for the prevention of corrupt practices, "printing, advertising, stationery, postage and telegrams." *2nd*, that it is impolitic to reduce the expenditure on the machinery necessary for bringing the issues involved in an electoral contest to a limit which prevents those issues from

being fairly placed before the jury that has to decide them. 3*rd*, that the limitation above specified is inadequate in amount, harmful in effect, and impolitic in principle. And 4*th*, that the attempted apportionment of expenses, as between columns 2 and 3, is unequal and obstructive. But it is on the second contention that I base my case. I shall have largely failed in my endeavour if I do not vindicate freedom of discussion against the fatal suppressions of this bill; if I do not establish the principle that publicity is the life blood of electoral purity; and if I have to fall back on the lower ground of what is possible or impossible, adequate or inadequate. This is not a question of money. It is not one on which we can condescend to haggle about the precise amount to be allowed. The newspaper press can vindicate its own integrity; but it is for the whole public to see to it that the press, in its wider signification of everything that issues from the printing machine, shall be recognised in law, as it is in fact, as a purifier, not a contaminator, of elections —nay more, to insist that the privileges of the franchise, unaided by the utmost activities of a free and unshackled publicity are, worse than a delusion, an absolute snare.

I do not wish to lay too much stress on what some may regard as the sentimental objection of newspaper proprietors to being bracketed with publicans, and 'long shore men, and hackney carriage proprietors, as persons on whom the cleanser of Augean corruption must keep the eye of watchful suspicion. It will be said—indeed something of the kind has been said by Sir Henry James himself,* that any such interpretation is a straining of the schedule, and that there is no need to be so mighty particular. *Qui s' excuse, s' accuse*, will probably be quoted for the benefit of the remonstrant newspapers, and we shall be told that there is no occasion for people with clear consciences to wince at an accidental collocation. But for all that, this special emphasis laid, in such an association, upon journalism, this enforced contiguity with the dealers in electoral corruption, is looked upon as dishonouring and uncalled for by those who carry on the arduous work of disseminating political information, and on

* In an interview with a deputation from the Provincial Newspaper Society.

whom candidates for Parliament have to rely for self-denying labours that cannot be appraised in vulgar money. And if French is to be quoted against us, we may fairly retort, not without some spice of irritation and grievance, *que faisons nous dans cette galère?*

But this is the mere fringe of the question. The cardinal objection to this fixing of a hard and fast line, beyond which no candidate may go in making known to voters, by the only effectual means, his political opinions and his views on the burning questions of the day, is that it aims a vital blow at the "perfect publicity" which Mr. Gladstone not long ago spoke of as the strength of our institutions. The passage is worth quoting in full:—

> Through the free discussions of the British Parliament, through the strength of our institutions, with their perfect publicity, and through the communication of opinion from man to man among the whole community, we have, I am convinced, strength enough for the settlement of every political controversy, and for bringing them, if not to a completely satisfactory, at least to some fair and tolerable issue.*

And while this is true of the "free discussions" inside Parliament, it is even truer of the "perfect publicity" outside, failing which, the "strength of our institutions" becomes perfect weakness. It has been left for the law officer of Mr. Gladstone's Government to check fatally that "communication of opinion from man to man" on which his Chief lays such emphasis—a communication whose absolute freedom is never so necessary as when the country is bringing political controversy to some "fair and tolerable issue" in the ballot boxes. What strange fatality can have led Sir Henry James to assume that there is a relationship, intimate enough to call for legislative repression, between wide publicity and corrupt practices; between exposing to the four winds of the electoral heaven the whole issues specially remitted to the constituencies for decision, and confining them in the hidden corners where bribery lurks; between instructing voters in the bearing of practical politics on the well-being of themselves, of their fellows and of their country, and leaving them to the blind belief that the candidate who opens widest the flood-gates of electoral impurity, is the fittest and most proper person to represent them in the Commons House of

* Speech at the Guildhall, Nov. 9th, 1882.

Parliament? We have heard a good deal of late about free speech, from unexpected quarters, and it seems we are now to accept, from a quarter still more unlooked for, the principle of parsimonious speech, doled out in petty driblets, wherein halfpenny postage stamps become important factors, and a single shilling's worth of literature is prescribed as the allowance per voter of printed matter. Nor does that represent the whole economy. It is the first 2000 voters only who are worthy of print and postage to the extent of 1s. per head. The third thousand are to be content with 4⅛d., while the fourth and all succeeding thousands must improve their political knowledge at the starvation rate of 2⅜d. per elector. Sir Henry James, is not, of course, designedly recreant to the noble creed that out of the fullest discussion, the utmost questioning, the most strenuous clash of conflicting opinion, truth emerges; but so intent has he been on slaying corruptions, on regarding every incident of the old system as demanding drastic alteration,* that he has been unconscious of using a two-edged weapon which, while it lays low his opponent, maims his stanchest friend. It is the story of Llewelyn and his dog Gelert over again. He kills the noble hound that is really his most faithful ally. For it may be laid down as an axiom that corrupt practices are rampant in inverse proportion to the spread of political knowledge and the openness of political discussion. Where the printing machine is sluggish in its revolutions, where journals slowly reach and are but little read, there, depend upon it, electoral morality will be as imperfect as political information; there will exist that corrupt indifference which measures fitness by length of purse, that low appreciation of the duties of citizenship which makes men willing, and even eager, to sell their birthright to the highest bidder. On the other hand, there is an expenditure which is not only legitimate but absolutely essential if appeals to the country are to be addressed to the intelligence and thoughtfulness, rather than to the ignorance and prejudices of the people. There is an expenditure incidental to what has been called "the honourable and efficient conduct of an election." And this is the expenditure which is so ruthlessly checked in the second column of Sir Henry

* "There is scarcely anything in the old practice that I would not alter," Sir H. James is reported to have said to the deputation already mentioned.

James's scale. It is unfair, misleading, and ungenerous to mix up the disbursements there curtailed, with those abuses which have too often reduced to opportunities for licensed degradation the duty of choosing representatives. Sir Henry James rightly prohibits the employment of paid canvassers, and there are many who would like to see him go still further and forbid canvassing of any kind. But how can we both abolish canvassing, which in its pure form should be a verbal exposition of the issues of a contest and the claims of a candidate, and also restrict, within the narrow columns of a cramped scale, the only other and most legitimate method of establishing the mutual knowledge which ought to obtain between candidate and constituents? We must not persuade electors; we may not enlighten them. The law is to be asked to intervene between free speech and free voting by a scale whose allowances will, in large constituences, be swallowed up by a very few halfpenny communications to each voter. It would be so in Liverpool with its 64,000 electors, where of the £730 allowed by the maximum scale, over £150 would go to the postal department in respect of every communication made to the electors by halfpenny post card or wrapper. In wide and sparsely populated county constituencies the maximum scale will have disappeared in postage before the electors have become familiar with even the names of the candidates. Thus to make penal the distribution of the credentials and opinions of Parliamentary aspirants, and to place under severe disabilities the printed information that should diffuse political education, and arouse voters to a due appreciation of the dignity of the suffrage which is placed in their keeping, is to beckon, with one hand, the re-entrance of those unworthy elements which with the other Sir Henry James is seeking to exclude. Corruption battens on ignorance and flourishes in darkness. To quench the teaching of the press and to extinguish the light of publicity, is to place a premium on illegality, and to stifle the most potent aid to an enlightened exercise of the franchise.

The maximum scale, to a portion of which I am objecting, has been justly criticised* as establishing a "purely artificial"

* By Mr. Schnadhorst, in a letter to the *Daily News*.

division of electoral costs, and as placing "the severest limit upon that kind of expenditure which, in a fairly conducted election, is least objectionable." But if the classification of the various elements of the maximum scale be artificial, the mutual incompatibility of the heterogeneous items in the second column is not less striking. On what principle are telegrams to be mixed up with printing, and advertising with postage, and stationery with all? In face of this, one need hardly wonder at Mr. Sydney Buxton's uncertainty "whether distributing by post reports of speeches, purchasing and distributing pamphlets, &c., is to be in future allowed;"* but even Mr. Buxton, although he seems to contemplate with a light heart the prohibition of advertising, and to regard as simple the problem of "limiting the subsidies to newspapers" —whatever that mythical thing may mean—is not prepared "to go too far in the prevention of publicity." This is encouraging when we discover that Mr. Buxton would not regard it as profligate extravagance and corruption to go somewhat beyond the limit of one clerk and one messenger—whose duties he seems to think would be the dissemination of literature—for every 500 electors. This large concession to the demands of an essential publicity, and to a distribution which Mr. Buxton concedes to be an advantage to every one, is a piece of unconscious humour. That "one clerk and one messenger would probably not be sufficient to fulfil the candidate's legitimate aspirations" for the diffusion of his stirring appeals, is an amusingly cautious way of putting a very obvious fact—so obvious indeed that it sounds like a broad practical joke to think of one clerk and one messenger being set to circulate the literature of an election among the farmers of some wide polling district—say among the North Yorkshire dales. Mr. Buxton concedes, moreover, that volunteer helpers "would hardly care to be set down to address envelopes or fold newspapers," but he seems to overlook the initial difficulty that there is no margin for the purchase of such luxuries as newspapers, or the printing of such extravagancies as speeches, or the publication of such instigators of corruption as pamphlets. A starvation allowance of £100 for the first 2000 electors, and of £1 per cent. for each succeeding

* Contemporary Review, May, 1881, p. 762, foot note.

1000, places such things in the ranks of the unattainable—or if they be attained, precludes their circulation by leaving no margin for postage or other transmission. It is to be observed that Mr. Sydney Buxton, after attempting, by various artificial methods, to overcome the fear that "a strict scale would injuriously affect the number of meetings which could be held, and greatly hinder the diffusion of newspapers, educating literature, &c.," arrives at the somewhat despairing conclusion "that for the present, we had better leave the scale alone." Better, assuredly, no scale than one which attains a maximum of inflexibility with a minimum of utility; a scale which stamps out the press and leaves "personal expenses" unchecked; which prevents a candidate from vindicating his claims on his constituency except by the circumscribed area of public meetings.

Let us look for a moment or two at the greater latitude allowed by this maximum scale to oral as against written publicity. The hire of rooms for meetings and for committees is provided for under the third column, which must be read in connection with the second schedule's definition of legal expenses. So reading, it is obvious that of the initial £250 there allowed, £230 is available for the hire of rooms, and for that purpose alone. Now in a constituency of 2000 electors there may, under the clauses of the bill, be four committee rooms; so that the whole of the £230 not absorbed by the rent of these, is available for expenditure on public meetings. In any short election contest it would be physically impossible to expend that sum legitimately. At the last general election, the Liberal candidates at Sheffield, in a contest extending over three weeks, went to all parts of the borough, holding several meetings each night, besides many in the day time. They spent on committee rooms, and on the hire of rooms for public meetings, only £220. Under this maximum scale they might have spent £1940. Their Conservative opponent, who fought single handed, expended in the same way £567 against £970 that the scale would allow, this greater cost being largely due to a more extended employment of district committee rooms, and to the fact that there are included in the sum of £567 charges incurred by a liberal use of posting stations. On the other hand, contrast

this unused and unusable latitude of room hire with the state of the case revealed in the same candidature by a comparison between the actual and the suggested in the direction of printing, advertising, and postage. Under the second column of the maximum scale, Mr. Wortley would have been restricted to an expenditure of £510; his expenses under these heads reached, according to the official return, £1708. From this it seems evident that the sum available for public meetings is not only too large for all reasonable requirements, but is absurdly out of proportion to the often inadequate sum to be divided in those means of publicity which depend on the printing press. Public meetings are admirable and invaluable as means of bringing the people face to face with those aspiring to represent them. But effective as may be the speeches delivered, damaging as may be the "heckling" of which such gatherings are the scenes, their greatest value is dependent upon the printed reports that convey the fame of the proceedings to a far larger public than can be gathered within any four walls. The press carries these speeches into households whose members will not, or cannot, venture into the rough arena of tumultuous meetings. It transmits them to distances that cannot be reached by the human voice, and puts them in the form most convenient for examining their arguments, testing their facts, and weighing their appeals, free from the distorting influence of excited crowds. The maximum scale makes a perfectly inadequate provision for these processes. Its divisions are as illogical and impracticable as they are impolitic.

The figures I have just quoted from an actual election, conducted under the conditions of the present system, suggest a further comparision between what is, and what would be under Sir Henry James's schedule. There is a want of uniformity in the compilation of the official returns of election expenses, and an absence of detail in the parliamentary summary of them, which make it difficult to arrive at comparisons that are quite fair and accurate. For instance, charges for bill posting stations are often included with rent of rooms; or bill posting and the carriage of parcels are lumped together with printing and advertising; or such an item as "secretaries" may be merged in expenses of public

scale to £954. But it is important to notice that the opposite to this was the general rule. Where candidates kept within or did not largely outrun the whole maximum scale, they usually exceeded the proportion of that scale devoted to advertising and printing. This was the case in those candidatures which were notoriously based on principles of electoral purity and personal fitness, dissociated from any adventitious circumstances of wealth, rank or family. The following are examples:—

TABLE IV.

Constituency.	1 Electors.	2 Expenditure allwd. under col. 2 of Maximum Scale.	3 Actual payments for Printing and Advertising.	4 Expenditure allwd. under total Maximum Scale.	5 Total payments (excluding Returning Officer's charges).
		£.	£.	£.	£.
Ashton:					
Mason	5901	140	322	470	660
Bedfordshire:					
Howard	7133	160	334	530	620
Stoke:					
Woodall and Broadhurst	19,976	560	757	1780	1947
Tower Hamlets:					
Bryce	41,042	500	645	1550	1333

Thus Mr. Howard exceeds the whole expenditure by only £90, but the printing and advertising allowance by £174; while Mr. Bryce keeps by £217 within the former, but exceeds by £145 the latter.

Still more striking examples of the unwisdom of restricting the diffusion of information may be found. In Hackney, Messrs. Fawcett and Holms spent less than half the sum allowed by the maximum scale (£921 out of £2180), yet of that £921 no less than £622 was found necessary for the purposes of publicity. In the Tower Hamlets, Mr. Lucraft's candidature cost him £267, and of that £225 was expended in the very legitimate pressing of his claims in print. He might have spent in this way, with Sir Henry James's sanction, £500. Or take cases such as those of North Devon and Glamorganshire, where actually, although there were no contests, Sir Stafford Northcote in the former found it necessary

to spend £222 in bringing the issues before the electors, and Messrs. Talbot and Vivian in the latter disbursed £313 in the same way. If therefore, in the absence of any opposition, Sir Stafford Northcote had to exceed the printing and advertising limit (£180 is the utmost to which he might go under the maximum scale) what possible chance would he have had of properly defending his seat against any aggressor?

These illustrations seem to reduce to an absurdity the attempt to include printing and advertising within a maximum scale; and any number of other instances might be cited as showing that while in the economically conducted elections the publicity schedule is quite inadequate, in the extravagantly conducted elections, the extravagance takes place in other departments altogether. When Sir Henry James asserts that "the present methods of communication are worse than wasteful; they are bad," we are tempted to retort that he is worse than mistaken; he is wrong.

The practical meaning of all this is evident. We must either, with Mr. Sydney Buxton, abandon the scale altogether, or, if the advantages of a scale are held to outweigh its disadvantages (as personally I think they do), it becomes important to inquire where the scale specified in the bill can be improved by a readjustment of its details, and by what method there can be given to it some amount of flexibility that will adapt it more fitly to the varying circumstances of different constituencies. The National Liberal Federation, while strongly urging that the scale is too liberal for boroughs, is, as I have said, no less convinced that it is too restricted for counties. That is a broad question which is sure to receive adequate attention and discussion when the measure comes before Parliament. But whatever the scale may be, it is evidently a quite useless hindrance on any candidate to to prescribe the precise proportions in which he shall, within the legal lines, spend his money—so much on this department, and so much on that. This is not paternal but grandmotherly legislation, fit only for nurseries and children in petticoats. Fix a scale by all means, but fix it with some regard to the fact that the conditions of no two constituencies are precisely alike, and with a recognition of the truth that

a borough is one thing and a county quite another; that what may be liberal for a constituency of a few hundreds of voters, is a starvation allowance for another including 30,000, 40,000, or 50,000 electors. But whether Sir Henry James relaxes his scale or not, whether he insists on making the constituencies accommodate themselves to his scale, rather than make his scale accommodate itself to the constituencies —there is one condition essential to every principle of reason and fairness. The classification of column 2 (Table I.) must be abandoned. The National Liberal Federation thinks its figures may go with it, and there still be enough left, in the third column, wherewith fairly to fight any borough. I am rather inclined to suggest that before the second column is eliminated, its figures should be carried forward to column 3, and added to those now there. But whatever the figures, in all the interests of legitimate political controversy and of healthful publicity, in fairness to the candidate, in justice to the constituency, this perverse bar to such elasticity as the scale might possess, and would possess by a simple act of deletion, must be swept away. Rigid enough under any circumstances, the reasons why its natural and inevitable rigidity should not be artificially stiffened seem to me imperative and unanswerable.

Let us once more resort to tables in order to see the effect, on our former examples, of the elimination of the middle column of the maximum scale, that we may judge how the conductors of an election would fare when, though still bound by a prescribed total, and the conditions of the second schedule, they should be at liberty to apportion their "Legal expenses" in any way they might think fit. The comparison between columns 2 and 4 of the following table shows the relationship of actual payments to the possibilities of Sir Henry James's methods, if the figures which he proposes to allow for printing, advertising, &c., still formed part of his maximum scale, the sub-classification alone being abolished; while the comparison between columns 3 and 4 shows the relationship of actual payments to what would be the amount to be disbursed under the maximum scale, if its middle column, figures and all, were abolished:—

TABLE V.

Constituency.	1 Electors.	2 Total Expenses allowed under Maximum Scale, except personal exs. and Returning Officer's charges.	3 Expenses allowed under col. 3 only of Maximum Scale.	4 Expenses returned as actually paid under heads comprised in maximum scale.*
Sheffield:		£.	£.	£.
Bye Election, 1879	39,270			
Waddy	-	1490	1010	938
Wortley	-	1490	1010	1483
General Election, 1880	42,794			
Mundella and Waddy	-	3160	2140	1089
Wortley	-	1580	1070	2285
Leeds:	49,000			
Gladstone and Barran	-	3580	2420	1557
South-West Riding:	26,329			
Leatham and Fitzwilliam	-	2020	1500	2774
Stanhope and Starkey	-	2020	1500	3422
North Notts.:	6699			
Galway and Denison	-	1000	700	1639
East Derbyshire:	6173			
Egerton and Barnes	-	1000	700	2224
Arkwright and Turbutt	-	1000	700	1485†

Now to others must be left the duty of appraising duly the bearing of Table V. on the question of what shall be the maximum scale allowed. For my purpose the teaching of these figures is, I repeat, a demonstration of the fact that, whichever of the scales shown in columns 2 and 3 be adopted, so far from there being any reason for the existence of the second column in Table I., every consideration of justice to the candidates and the constituencies, every interest connected with ease of working and minimising of friction, demands the elimination of a special classification for printed matter, postages, and the rest. And the way is now clear for me to insist, with somewhat more of detail, on the argument founded on the gratuitously hampering effect of the subdivision on individual candidates, and on its actual obstruc-

* Bill posting is included in the figures in this column and payments for posting stations, since they cannot be separated from the accounts. I do not understand whether the former is prohibited by the bill; the latter is made distinctly an illegal practice (clause 8, sub. sec. c.)

† There is an unclassifiable item of "Miscellaneous, £719," in these accounts, not included here.

tion to the public advantage in constituencies wherein the conditions of an election may be peculiar.

1st. As to the restrictions of the publicity of print on those soliciting the popular suffrage. It is clearly a legitimate desire for any candidate, however chosen, to justify his title to present himself as the exponent of the views he specially embodies, or the views of those whom he desires to represent. It is both a personal necessity and a public duty on one who thus comes before the electors to expound his creed and to vindicate his pretensions; and neither of these can be carried out efficiently without a free use of printed appeals and addresses. In the large constituencies, it is quite true, such a candidate will usually find a clear and intelligent understanding of the impersonal principles of political controversy made familiar by the press, at any rate to all who in any way care for these things; but apart from that, it is most necessary that there should be the fullest opportunity for criticising and judging of the special grounds on which the electors are asked for their support. It may be said that the presence of aspirants of this unknown kind is often due rather to an overweening egotism and to an inconvenient self-seeking than to any public call or wide-spread desire for their services. They come when they are not asked and often where they are not wanted. But strong as this objection may be on the broad question of the desirability or undesirability of opening wide the door through which admission to Parliament is obtained, it is inappropriate in any criticism which accepts the objects aimed at in Sir Henry James's bill, because one great justification for the enlargement of that measure beyond the mere suppression of corruption, is the public advantage resulting from extending the field of choice, at present so narrow, whence constituencies may look to obtain suitable representatives. If we admit the advantage of bringing seats in Parliament within the reach of men with plenty of brains but little money, we must put up patiently with the accompanying evil attaching to the disturbances and divisions brought into constituencies by a plethora of candidates. It is cruel to tempt men to offer themselves to the electors, only to deprive them of the very means by which their coming may be successful.

2nd. As to restrictions of this kind on constituencies. It is not too much to say that a contest for a seat for one of the larger Universities—such as that in which Cambridge has been recently engaged—would be impossible under Sir Henry James's divided scale; yet of all constituencies these are undoubtedly the purest in the empire. At the general election of 1880, six of the nine University representatives were returned without opposition, and though two of the nine were returned by a patrician constituency which defrays all its representatives' expenses, the total cost to candidates amounted to £9545, nearly one-third of which (after deducting returning officer's expenses) comes under the category of printing and advertising. In the University of London, with a constituency of 1947 voters, the £100 allowed by column 2 of the scale was but slightly exceeded by Mr. Lowe and Mr. Charles; the former expending in printing and advertising £106, and the latter £119; but Mr. Lowe's total expenses were only £114, and Mr. Charles's £145. Again at Edinburgh, against a possible expenditure of £140 on printing, Dr. Lyon Playfair's bill was £329. 9s., out of a total of £834; and Mr. Bickersteth's, £711 out of a total of £2352. Glasgow University, for some reason or other, seems to be a costly constituency to contest. There Dr. Campbell had to pay £3473 for his seat, of which £816 was for printing and advertising; and Mr. Asher's candidature cost him £2550, of which £541 went to the printers. There, as in Edinburgh, the Attorney-General's scale would cut down advertising, printing, and postages to £140.

But two other constituencies must be named as presenting, at the last general election, special features which would have made the application of Sir Henry James's schedule, so far as it contracts the means of publicity, most inimical to the general good—I mean Midlothian and Southwark. These contests were not local but national. The issues that were fought out in them affected the conditions of the elections throughout the length and breadth of the land. In Southwark there were aroused keen and protracted controversies, the dissemination of whose bearings in the widest possible manner was of the utmost importance to the public of many other constituencies; and it is quite unnecessary to dwell

on the crucial engagement in Midlothian, which was the Hougoumont of the whole campaign. Yet how would these constituencies have fared under the Attorney-General's maximum scale? Midlothian has 3260 voters, and the employment of the printing press allowed, if this measure had been law, would have been represented by an expenditure of £120. As a matter of fact, Mr. Gladstone spent £570*, while the Earl of Dalkeith's printing bill was £1325*. Yet who will say that it was injurious to the common weal that this great duel was so fought as to make all the electors of the United Kingdom cognisant of its every detail? Who will maintain that because in South Leicestershire Mr. Heygate and Mr. Pell kept their printing and advertising down to Sir Henry James's limits, therefore the same thing ought to be done, and could have been done with advantage, in Midlothian?

As was Midlothian among counties, so was Southwark among boroughs. There was fought out, in an especial manner, the great issues between the beer barrel and temperance. Southwark had 23,472 electors, and the two pairs of candidates might therefore, under Sir Henry James's scale, have spent £640 on printing and advertising, or a total of £2020 on the whole second schedule—that is, excluding returning officer's charges. As a matter of fact Messrs. Cohen and Thorold Rogers spent in printing and advertising alone (not including postages and telegrams) £3410; while Messrs. Clarke and Catley's printing bill amounted to £3805. But it would have been just as wise to ruin the Egyptian campaign by stinting our soldiers of ammunition at Tel-el-Kebir, as to have narrowed the Southwark election to a mere parochial squabble, by denying to the combatants that publicity which is the ammunition wherewith representative battles must be fought.

But the argument against Sir Henry James's restrictions, thus founded on peculiar characteristics of constituencies and candidates, may not inappropriately be carried further, so as to extend it to the varying necessities of particular places at special times. The little borough of Morpeth affords a good

* Postage and telegrams are not included in these sums.

example of what I mean. For forty-two years of the present century Morpeth returned without a contest a Howard or a Gray to the House of Commons. The first break in the continuity of this comfortable history came in 1874, when a working man candidate presented himself, in the name of his class, as a claimant to the seat. That candidate was Thomas Burt. His pretensions outraged the traditions of Toryism, even more than they irritated the susceptibilities of the Whig family which found an audacious trespasser on its sacred preserve. The affronted House stood aside; but the alarmed party of privilege brought forward a champion in the person of Major Duncan, to do battle with the aggressive collier. Such a contest might not again arise in a generation. It was a new and instructive combination of circumstances, but it was such a combination as would be largely encouraged by the Corrupt Practices Bill. It is therefore important that we should trace carefully its course and its meaning. Almost the first of its kind, it was of immense importance that its issues should be fairly fought out. To Morpeth turned the eyes of industrial associations throughout the length and breadth of the land, as the eyes of men that watch for the morning. Nor was it in proportion to the purses of the candidates, nor even by the wisest forecast that could be made in any definite ratio to the number of electors which would favour either side, that the expenditure consequent upon this stirring political experiment could be regulated. It was the poor man's battle that was the more costly. It was the poor man's fight that was free from electoral stain. Major Duncan spent £376 on his defeat; and Mr. Burt expended £674 on the brilliant victory of being returned by a majority of nearly five to one. Yet that was the truest economy. On the narrow ground of finance it would have been the gravest mistake to have crippled this contest by lack of earnest and persistent enforcement of the claims of this representative of a new class of candidate. If the work had been done in a perfunctory manner there would soon have arisen speedy necessity for doing it over again. But it was done with such thoroughness that at the next election Mr. Burt's return was unopposed, and he went back to St. Stephen's at a cost of only £74. The fact is,

Sir Henry James's scale holds out a premium to corrupt boroughs to incur expenditure up to the prescribed limits, while it imposes upon pure constituencies an artificial restriction which would be equivalent to including in the category of crime the new and desperate offence of thrashing out every public question, as it may arise, by the freest exercise of the art of printing. Large boroughs, equally with small ones, illustrate the same variance incidental to the necessities of political life. It cost Mr. Bright, in 1874, £337 to be returned for Birmingham; it cost him £2022 in 1880. The member, the constituency, and the freedom of election were the same. As his majority was 7000, and as each of his opponents spent £14,000 more money, it is probable his seat will not be again assailed. But under Sir Henry James's unimaginative ideal of a great public controversy, Birmingham would go to its contests as to a funeral, and never settle any of them, because of the cast-iron regulations that would reduce them to the dull level of monotony.

The conclusion of the whole matter is plain. The householder does not rid himself of mice by tying up his cat, neither is electoral corruption to be suppressed by shackling its most active foe. Thrift and economy are good servants but bad masters. They drift into a vicious compound wherein penuriousness is mixed with extravagance, when, parsimoniously striving after a curtailment of necessaries, they are lavish in their indulgence on luxuries. The true thrift is that which spends wisely and even liberally in obtaining a thoroughly good thing while rigorously cutting away all superfluities; and the solution of the cheap candidature problem is deferred rather than helped by a crusade against the press. It does not lie in that direction, and so far as it is sought there, it is purchased at a ruinous price. Sir Henry James's prohibition of a conveyance of voters to the poll; his restrictions on the persons who may be employed for payment; his specification of the directions in which legal expenses may be incurred—are admirable in theory and largely applicable in practice, but they will achieve the end he has in view far more efficiently if released from the fetters placed alike on good and bad. In presence of the strong deterrents imposed by his measure on the indulgence of

illegal and corrupt practices, cheap candidatures will be sufficiently encouraged, and their purity will be increased by the possession of the liberty I plead for to apportion the maximum sums payable in their own way. It is not a great thing to ask. The constituencies which choose their own men will more and more emulate each other in returning them free of expense, but in fighting these battles they will place their chief reliance on the printing press, and proportionately more as less beneficial agencies become suppressed. The laudable end Sir Henry James has in view will be defeated, rather than advanced, by prescribing how much shall be spent on printing. For he runs very great risk of making illegal the one instrumentality on which those most rely who would enter public life by giving a reason for the faith that is in them. Inviting combatants to enter the lists, he forthwith ties up their right hands. It is to be hoped that before the Corrupt Practices Bill reappears in the House of Commons, its author will remove a detail which, insignificant as it may appear in its place in the measure, bids fair to ruin the public benefits to be derived from a most necessary reform. It is in that insignificance that the greatest danger lies. There is the risk that, approving the general principle for which this legislation is based, and regarding this schedule as an unimportant detail, the unswerving loyalty of a great parliamentary majority may lead the Government into one of those grievous mistakes which it takes long years spent in sack-cloth and ashes to repair. The second column of the maximum scale is,

> The little rift within the lute
> That by and by will make the music mute,
> And ever widening, slowly silence all.

Sir Henry James can, by striking out this column, effectually, and without in any way sacrificing the principles of his measure—nay, rather, giving to them greater emphasis—avoid the Charybdis towards which he is drifting, while fixedly steering from the dangers of Scylla. There is too much of the narrow spirit of the lawyer in this hampering of reforms by the creation of new misdemeanours. The spirit in which the subject should be approached is, on the contrary, that spirit of broad and comprehensive statesmanship that, while sternly repressing corruption and immorality, will largely foster such agencies as tend to purify and invigorate public virtue. And I cannot but think that, seen in this light, the artificial divisions of the maximum scale must be abandoned as inimical to electoral enlightenment and largely fatal to

> —the nobler modes of life,
> With sweeter manners, purer laws,

after which Sir Henry James is loyally striving.

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